

ADOPTIONS

PUBLIC UTILITIES

WFNJ/GA Employable Assistance Units Schedules III and IV
WFNJ/GA Initial Maximum Allowance Income Levels and Maximum Benefit Payment Levels for Employable Single Adults and Couples without Dependent Children

Number in Eligible Unit
More than 8
(e) (No change.)

200% of WFNJ/TANF Payment Level
Add [\$100.00] **\$132.00** each person

Schedule III		Schedule IV
WFNJ/GA Employable Maximum Allowable Income Levels	Number in Assistance Unit	WFNJ/GA Employable Maximum Benefit Payment Levels
[\$210] \$278	1	[\$140] \$185
[290] \$381	2	[193] \$254

10:90-3.6 Eligibility/maximum benefit payment levels for WFNJ/GA unemployable single adults and couples without dependent children (Schedule V)

(a) There is no separate initial income eligibility test for WFNJ/GA unemployable single adults and couples without dependent children. Instead, for unemployable assistance units who apply as a new applicant, re-applicant, or reopened case, the total countable income of the WFNJ/GA shall be compared to the unemployable maximum benefit payment level in Schedule V below. If the assistance unit has income less than the maximum benefit payment level for the appropriate unit size, then initial financial eligibility exists; and, financial eligibility shall continue to exist as long as the total countable income is less than the applicable benefit payment level. When the income equals or exceeds the benefit payment level, the assistance unit is no longer financially eligible for WFNJ/GA benefits.

WFNJ/GA Unemployable Assistance Units Schedule V

WFNJ/GA Initial Maximum Benefit Payment Levels for Unemployable Single Adults and Couples without Dependent Children

Number in Assistance Unit	WFNJ/GA Unemployable Maximum Benefit Payment Levels
1	[\$210] \$277
2	[289] \$382

10:90-3.18 Treatment of lump sum income WFNJ TANF/GA
(a)-(c) (No change.)

(d) When the total remaining lump sum income (for either a WFNJ/TANF or WFNJ/GA case) exceeds 200 percent of the WFNJ/TANF maximum payment level for the appropriate eligible assistance unit size as set forth in Schedule VI below, the assistance unit will be ineligible for WFNJ for the number of full months derived by dividing this total income by the payment level applicable to the eligible assistance unit size in Schedule VI.

1. Schedule VI shall also be used for alien sponsor-income deeming as set forth [in] at N.J.A.C. 10:90-3.15.

WFNJ/TANF and WFNJ/GA Schedule VI

Number in Eligible Unit	200% of WFNJ/TANF Payment Level
1	[\$324] \$428
2	[644] \$850
3	[848] \$1,118
4	[976] \$1,288
5	[1,104] \$1,456
6	[1,232] \$1,628
7	[1,354] \$1,788
8	[1,456] \$1,922

SUBCHAPTER 6. EMERGENCY ASSISTANCE

10:90-6.7 Payment for hotel or motel placements

The county or municipal agency shall issue payment for emergency housing provided in hotels and motels in accordance with the schedule of per diem rates as follows:

Emergency Assistance amounts per day

1 Person/1 room	[\$50.00] \$62.00
2 Persons/1 room	[\$60.00] \$72.00
3 Persons/1 room	[\$75.00] \$87.00
4 Persons/1 room	[\$75.00] \$87.00
4 Persons/2 rooms	[\$105.00] \$117.00
5 Persons/1 room	[\$85.00] \$97.00
5 Persons/2 rooms	[\$105.00] \$117.00

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

All Utilities

Adopted Amendment: N.J.A.C. 14:3-3A.1

Proposed: February 22, 2022, at 54 N.J.R. 341(a).

Notice of Proposed Substantial Changes upon Adoption to Proposed Amendments: August 15, 2022, at 54 N.J.R. 1583(a).

Adopted: May 24, 2023, by the New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Robert M. Gordon, and Dr. Zenon Christodoulou, Commissioners.

Filed: May 26, 2023, as R.2023 d.081, with **substantial changes** to proposal after additional notice and public comment, pursuant to N.J.S.A. 52:14B-10, and **with non-substantial changes** not requiring additional notice and public comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 48:2-13; 48:2-16, 16.1, 16.2, 16.3, 16.4, 17, 20, 23, 24, 25, and 27; 48:3-2.3, 3, 4, and 7.8; and 48:19-17.

BPU Docket Number: AX21070998.

Effective Date: August 7, 2023.

Expiration Date: May 26, 2030.

Summary of Public Comments and Agency Responses:

Written comments were received by: Jersey Central Power & Light Company (JCP&L); New Jersey American Water Company (NJAWC); New Jersey Division of Rate Counsel (NJRC); New Jersey Utilities Association (NJUA); and the regulated wholly owned subsidiaries of Verizon Communications, Inc., operating in New Jersey, including Verizon New Jersey, Inc. and MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services and MCI Communications Services, LLC d/b/a Verizon Business Services (Verizon).

1. Comments Received During Initial Comment Period Giving Rise to Substantial Changes in Proposal upon Adoption

1. COMMENT: The commenter objects to the proposed deletion of “to the extent reasonably possible” and changes that would require utilities to provide at least two different forms of notice before suspending, curtailing, or discontinuing service for any reason other than nonpayment. The commenter states that the discontinuance of service, in some cases, may be necessary to address safety, law enforcement-related, or other

emergency issues. The proposed requirement of two notices in different forms may constrict the utilities' ability to address hazardous situations in a timely manner, and under certain unusual conditions, it may not be feasible to provide advance notice without seriously compromising safety or reliability. The commenter does support the requirement to provide notice to the extent reasonably possible, but states that the new requirement is impractical, infeasible, and unsafe. (Verizon)

2. COMMENT: The commenter states the amendments at N.J.A.C. 14:3-3A.1 can be taken as the company needing to give two notices before service disconnection for any reason at all ever other than nonpayment, which can be problematic for emergency and other safety purposes. The commenter is also concerned that an absolute requirement of prior notice would delay quick intervention and could expose persons and property to additional risk. Thus, the commenter requests that the "to the extent reasonably possible" language be retained. (NJAWC)

3. COMMENT: The proposed amendments at N.J.A.C. 14:3-3A.1 require two forms of notice before disconnecting for any reason other than nonpayment. The utilities recommend that the Board of Public Utilities (Board) further amend this section to add back existing regulatory language stating that notice be provided "to the extent reasonably possible" as there are numerous circumstances requiring a utility to make repairs for safety and other emergency purposes or to respond to outages. In these cases, providing two notices is simply not feasible and will result in delays to necessary repair work required for safety and system reliability reasons. Requiring two notices would also impact disconnects made to address hazards caused by tampering, creating safety issues for customers and utility systems. Finally, the commenter notes that this two-notice method requirement may also delay energy delivery service suspension activities. (NJUA)

4. COMMENT: The commenter strongly opposes the proposed amendments to this section, as they will cause delayed restoration times for customers and will lead to the prolonged existence of hazardous conditions. Prompt action to disconnect a customer's service may be necessary for the purpose of making repairs, complying with any governmental order or directive, or mitigating hazardous conditions that may place customers and utility employees at risk of physical harm or death. The utilities are currently required to notice such disconnections only "to the extent reasonably possible." The proposed amendments abandon this provision and always require two forms of notice be provided before discontinuance of service for any reason. The proposed amendments will substantially impede the utilities' ability to provide safe and reliable service. For customers that have not provided a means of contacting them electronically, implementation of the proposed rule makes it necessary for utilities to send notice by mail and attempt to make in-person contact or leave a door hanger prior to disconnecting service. Moreover, the commenter's current systems would still require that each potentially impacted customer be manually identified before any electronic notice could be sent. The commenter strongly recommends that the Board not implement the proposed modifications. At a minimum, the phrase "to the extent reasonably possible" should not be stricken from the regulation in recognition of the fact that there are circumstances which will require prompt action by the utilities. (JCP&L)

RESPONSE TO COMMENTS 1, 2, 3, AND 4: Board staff originally deleted the phrase "to the extent reasonably possible" in the notice of proposal. After reviewing comments against that approach, the Board has decided to keep this language. While the Board believes that it is important that customers be notified when a utility suspends, curtails, or discontinues service for any reason other than nonpayment and that two forms of notification is preferred, the Board believes that there are times when this is not reasonably possible and the utilities should be able to disconnect service without providing two forms of notice. There are times when requiring two forms of notice will cause delayed restoration that can lead to the prolonged existence of hazardous conditions. Prompt action to disconnect a customer's service may be necessary for the purpose of making repairs, complying with any governmental order or directive, or mitigating hazardous conditions that may place customers and utility employees at risk of physical harm or death. Some customers have not provided a means of contacting them electronically and have not provided current phone information. When a utility needs to disconnect one of these customers, implementation of the proposed rule would make it necessary

for the utility to send notice by mail and attempt to make in-person contact or leave a door hanger prior to disconnecting service. Waiting until a customer is reached by mail would cause significant delays before a utility could disconnect service. In these instances, the Board believes that the amendment, as originally proposed, would substantially impede the utilities' ability to provide safe and reliable service. Based on the foregoing, the Board has decided to keep the language "to the extent reasonably possible" in the rule.

2. Comments Received During Initial Comment Period, Not Giving Rise to Changes in the Rule Proposal

5. COMMENT: The commenter supports the amendments since notice of a pending loss of service is essential if the customer is to take any remedial action. The commenter also recommends that the notice required pursuant to this rule state the reason(s) for the loss of utility service and that the utility alert the municipality of the affected customers. That information is necessary for the customer to understand the alleged reason(s) for the service discontinuance and to respond appropriately. Additionally, the commenter requests that each utility report to the Board and Rate Counsel, on at least a quarterly basis, the total amount of arrearages owed by its customers, the length of time these arrearages are past due, and the number of its customers whose service has been discontinued for nonpayment. (NJRC)

RESPONSE: The Board thanks the commenter for its support. The Board notes the concerns expressed by this commenter, but recognizes that there may be emergency, hazardous, and health and safety situations where it is not feasible for the utility to provide additional information or notice. Therefore, the Board finds that the language at N.J.A.C. 14:3-3A.1(d) including "to the extent reasonably possible" shall remain and shall be applicable both to non-emergency and emergency situations. Regarding the commenter's last suggestion, the Board notes that the rules adequately protect customers. As customer service issues arise, Board staff obtains any necessary information from the appropriate utilities by requesting information that is tailored to the specific issue rather than requiring blanket information that may be less useful. Thus, the Board declines to make the suggested changes to the reporting requirement.

3. Comments Received upon Publication of Notice of Proposed Substantial Changes upon Adoption to Proposed Amendments to N.J.A.C. 14:3-3A.1

6. COMMENT: The commenter stated it appreciated the Board's consideration and responsiveness to its comments and those of other commenters on this provision of the rules and fully supported the retention of the phrase "to the extent reasonably possible" at N.J.A.C. 14:3-3A.1(d). According to the commenter, retention of this language will allow it and other utilities to suspend, curtail, or discontinue service without delay when warranted to mitigate a hazardous condition. (NJAWC)

RESPONSE: The Board thanks the commenter for its support.

7. COMMENT: The currently proposed language that reinserts "to the extent reasonably possible" is not limited to only emergent situations. Rather, the Board rules may allow the utilities to provide reasonable notice through a single method instead of two forms of notice in many, much more common situations. Absent such an imminent safety risk, the commenter sees no reason for providing only one form of notice of disconnection. As such, the commenter recommends that the Board limit the restrictive "reasonably possible" notice exception to truly emergent safety-related situations. (NJRC)

RESPONSE: The restrictive "reasonably possible" notice exception applies to both non-emergency and emergency situations. As such, the Board declines to make the suggested change.

Summary of Agency-Initiated Changes:

1. The Board is adding the phrase "including, but not limited to" at N.J.A.C. 14:3-3A.1(d), so as not to unintentionally restrict the universe of applicable situations consistent with the prior rule language for "any reason other than nonpayment."

2. At N.J.A.C. 14:3-3A.1(d), the Board is deleting the word "reasonable" to require a utility to provide notice to customers under all circumstances without regard to whether notice is reasonable, based on the change upon adoption keeping "to the extent reasonably possible," as "... provide reasonable notice to the customer, to the extent reasonably possible" does not grammatically or structurally make sense.

Federal Standards Statement

N.J.S.A. 52:14B-1 et seq., requires State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The adopted amendment is not promulgated pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, the rule does not exceed the standards or requirements imposed by Federal law and is not promulgated to comply with a Federal requirement.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 3A. DISCONTINUANCE AND RESTORATION OF SERVICE

14:3-3A.1 Basis of discontinuance of service

(a)-(c) (No change.)

(d) When a utility suspends, curtails, or discontinues service for any reason other than nonpayment ***including, but not limited to, emergent safety-related situations, repairs, complying with any governmental order or directive, or mitigating hazardous conditions that may place persons and property at imminent risk of harm***, the utility shall provide ***[reasonable]*** notice to the customer^{*}, **to the extent reasonably possible***. Such notice may include, but is not limited to, the use of two or more of the following: mailings, text messages, email, telephone calls, door hangers, and/or in-person contact with the customer. The utility shall provide proof of such notice to Board staff upon request.

(e) (No change.)

TREASURY—GENERAL

(a)

DIVISION OF REVENUE AND ENTERPRISE SERVICES

Notice of Readoption

Commercial Recording—Publication of Bulk Access Fee Schedules

Readoption: N.J.A.C. 17:34

Authority: N.J.S.A. 12A:9-523(f), 12A:9-525, 12A:9-526, 14A:15-3, 15A:15-2, 22A:4-1.a, 42:2A-68, 42:2C-93, 52:7-11, 52:16A-41, and 56:1-1 et seq.

Authorized By: Elizabeth Maher Muoio, State Treasurer.

Effective Date: June 27, 2023.

New Expiration Date: June 27, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c(2), the rules at N.J.A.C. 17:34 were scheduled to expire on August 15, 2023. The rules encompass policies and procedures for the publication of the State of New Jersey's Commercial Recording Bulk Access Fee Schedules and includes subchapters that address general provisions, publishing bulk access fee schedules, procedures for bulk access, and procedures for applying direct cost criterion or self-copy fees for bulk access. The Division of Revenue and Enterprise Services has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 17:34 is readopted and shall continue in effect for a seven-year period.

(b)

DIVISION OF REVENUE AND ENTERPRISE SERVICES

Notice of Readoption

Commercial Recording—Expedited Service, Preclearance Service, Name Availability, Trade Mark/Service Mark Program, and Facsimile Filing Service

Readoption: N.J.A.C. 17:35

Authority: N.J.S.A. 14A:1-1 et seq., 42:2C-1 et seq., 52:16A-11, 52:16A-35 through 42, 56:1-1 et seq., 56:3-1 et seq., 15A:5-1 et seq., 52:16A-11.1, and 2A:2A-1 et seq.

Authorized By: Elizabeth Maher Muoio, State Treasurer.

Effective Date: June 27, 2023.

New Expiration Date: June 27, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 17:35 were scheduled to expire on August 15, 2023. The rules encompass policies and procedures for the State of New Jersey's expedited commercial recording services, as well as for the State's preclearance and facsimile services for various business entity filings. They also set forth name availability criteria for business entities and detailed procedures for the State's trade/service mark program. The Division of Revenue and Enterprise Services has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 17:35 is readopted and shall continue in effect for a seven-year period.